United Nations S/2017/554

Security Council

Distr.: General
28 June 2017
English
Original: Spanish

# Letter dated 27 June 2017 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith an assessment of the work of the Security Council for the month of December 2016 under the presidency of Spain (see annex). This assessment was prepared under my supervision, after consultation with the other members of the Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Román **Oyarzun Marchesi**

17-10735 (E) 120717 200717

Please recycle

# Annex to the letter dated 27 June 2017 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council

[Original: English]

## Assessment of the work of the Security Council during the presidency of Spain (December 2016)

## Introduction

Under the presidency of Spain in December 2016, the Security Council held 31 public meetings, 2 private meetings and 17 consultations of the whole. During the closed consultations, two additional substantive items were discussed under the item entitled "Other matters". The Council also held an Arria formula meeting on synergies between Security Council resolutions on women, peace and security and the Convention on the Elimination of All Forms of Discrimination against Women.

The Security Council adopted 15 resolutions, agreed on 2 presidential statements and issued 9 statements to the press.

Among the public meetings were two open debates and one high-level briefing. On 12 December, the Security Council held a high-level briefing on threats to international peace and security caused by terrorist acts: international judicial cooperation in the fight against terrorism, chaired by the Minister for Justice of Spain, Rafael Catalá, in which resolution 2322 (2016) was unanimously adopted, and was co-sponsored by 51 Member States. On 15 December, the Security Council held an open debate at the ministerial level entitled "Non-proliferation of weapons of mass destruction: preventing catastrophe: a global agenda for stopping the proliferation of weapons of mass destruction by non-State actors" chaired by the Minister for Foreign Affairs and Cooperation of Spain, Alfonso Dastis. Forty-nine Member States participated in the meeting, in which resolution 2325 (2016) was unanimously adopted under the co-sponsorship of 77 Member States, including those of the 15 members of the Council. On 20 December, the Council held another open debate entitled "Maintenance of international peace and security: trafficking in persons in conflict situations", chaired by the Prime Minister of Spain, Mariano Rajoy. Sixty-four Member States took the floor during the debate, in which resolution 2331 (2016) was unanimously adopted, and received 60 co-sponsorships.

## Africa

### Democratic Republic of the Congo

On 5 December, the Security Council issued a statement by the President (S/PRST/2016/18) on the situation in the Democratic Republic of the Congo following the visit of the Council to the country from 11 to 13 November.

Subsequently, the Special Representative of the Secretary-General and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Maman Sidikou, briefed the Security Council on the latest political and security developments, with particular emphasis on the good offices undertaken by the Conférence épiscopale nationale du Congo.

He encouraged the Security Council to reinforce the message that the Congolese political actors remained primarily responsible and accountable for the peace and stability of their country, as well as to express its appreciation of the

efforts of the Conférence, and to urge the Prime Minister-designate, Samy Badibanga, to form an inclusive transitional government. Given the potential impact of other regional matters on the country, he reassured the Council that he would continue his close coordination and collaboration with the Special Envoy of the Secretary-General for the Great Lakes Region, Said Djinnit.

The Assistant Secretary-General for Political Affairs, Tayé-Brook Zerihoun, briefed the Security Council on United Nations support to the electoral process in the Democratic Republic of the Congo. He recalled that the Electoral Assistance Division of the Department of Political Affairs of the Secretariat undertook an advisory mission to the Democratic Republic of the Congo. He also referred to the political agreement of 18 October 2016, under which elections would be announced by 30 October 2017. The continued support of the international community and the broadening of the base of the political consensus would be critical to making that possible. Furthermore, he explained that the Electoral Division of MONUSCO was being established, and concluded that it was essential that both the Mission and the United Nations Development Programme were provided the means to deliver on their commitments and mandates.

Speaking under rule 37 of the provisional rules of procedure, the Permanent Representative of the Democratic Republic of the Congo to the United Nations referred to the fight of the Forces armées de la République démocratique du Congo against armed groups in the east of the country, particularly the Forces démocratiques de libération du Rwanda and the Allied Democratic Forces. He also mentioned the presence of the Sudan People's Liberation Army in Opposition in Congolese territory and called on the United Nations to solve the issue. With regard to the ongoing dialogue and the electoral process, he focused on the implementation of the commitments assumed by the Head of State in the political agreement of 18 October, which included the appointment of a new Prime Minister, the formation of a national unity government, the review of the voting registry and the holding of elections.

Most Security Council members stressed the need for all political stakeholders to engage in an inclusive dialogue in order to build a broad consensus with regard to the elections. Some delegations underscored the importance of the political agreement of 18 October, while others considered it to be a starting point. In that regard, several Council members commended the recent mediation efforts by the Conférence épiscopale nationale du Congo, as well as the role played by the African Union and other regional organizations, in particular the International Conference on the Great Lakes Region. A number of Council members called for President of the Democratic Republic of the Congo, Joseph Kabila, to respect the Constitution and not to seek a third term. However, others emphasized that the interpretation of the Congolese Constitution was incumbent upon its own Constitutional Court, and reiterated that the future of the country must be determined by the Congolese people themselves. With regard to security, Council members pointed out that the armed groups operating in the eastern parts of the Democratic Republic of the Congo still posed a dangerous threat.

During closed consultations, the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the High Commissioner for Human Rights (OHCHR), Andrew Gilmour, answered the questions of several Security Council members with regard to his recent visit to the Democratic Republic of the Congo.

On 19 December, the Security Council issued a press statement condemning in the strongest terms the attack perpetrated that day by a Mayi-Mayi armed group in Butembo, North Kivu, in the Democratic Republic of the Congo, which led to the

deaths of a South African peacekeeper of MONUSCO and a Congolese police officer, as well as injuring two other South African peacekeepers.

**Liberia**

On 2 December, the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, briefed the Security Council on the special report of the Secretary-General on the United Nations Mission in Liberia (UNMIL) (S/2016/968). He explained that the political environment in the country was dominated by preparations for the presidential and legislative elections scheduled for October 2017, and noted that Liberia remained stable and that there had not been any serious security incident warranting intervention by UNMIL during the entire year of 2016. In that regard, he highlighted that the Liberian institutions had lived up to the expectations posed by their assumption of the Mission's security responsibilities after 30 June 2016. The Under-Secretary-General referred to the three possible options with regard to the future of UNMIL, as outlined in the report. Irrespective of the decision of the Council, he considered it important that Liberia remain on the agenda of the Council through the establishment of the next administration. He stressed that it would also be advisable for the Mission to retain some capacity to respond, in extremis, should there be a deterioration of stability that risked a strategic reversal.

The Vice-Chair of the Peacebuilding Commission, Per Thöresson, presented to the Security Council the conclusions emanating from a recent visit to Liberia, and a multi-stakeholder forum on sustaining peace through transition in Liberia, which was hosted by the Peacebuilding Commission and the Government of Liberia. One of the key conclusions of the visit was that, while no one seemed to believe that the country was facing an imminent risk of relapse to conflict, there was a general agreement that root causes and potential triggers of conflict remained unresolved. He asked the Council to also take into consideration the socioeconomic situation in which the election and transition would take place.

A representative of civil society, the National Coordinator for the West Africa Network for Peacebuilding-Women in Peacebuilding Network in Liberia, Victoria Wollie, spoke to the Security Council on a country-specific situation. She stressed that Liberia was at a critical juncture as UNMIL continued its drawdown, and discussed a number of concerns, such as the proliferation of illicit drugs, the low levels of political representation of women, the high number of crimes related to sexual and gender-based violence and the prevalence of harmful traditional practices. In that context, she underscored that women needed the Peacebuilding Commission to fill any gaps left by the possible departure of UNMIL.

Speaking under rule 37 of the provisional rules of procedure, the Permanent Representative of Liberia to the United Nations considered the measures outlined by the Secretary-General on defining the possible mandate of a successor mission to UNMIL to be largely favourable. With regard to when the transition from full peacekeeping operations should occur, he proposed an extension for a period of one year. While acknowledging the concerns associated with his request, he highlighted the need to bring UNMIL to an end that would not require a return to the Security Council, asking that the Council not ignore the possibility of another risk to the ongoing recovery efforts of Liberia, and extend the Mission's mandate for another year.

In closed consultations, Security Council members expressed different views with regard to the options for adjusting UNMIL. Some members mentioned the successful conclusion of the security transition and, with reference to the report of the Secretary-General, expressed the view that there was no threat to international

peace and security, and that the remaining challenges were of a peacebuilding nature. Others stressed the fragility of the situation in Liberia and underscored the risks linked to the holding of elections in October 2017. Most delegations agreed on the need to maintain gains while avoiding the creation of a culture of dependency.

On 23 December, the Security Council adopted resolution 2333 (2016), with 12 votes in favour and 3 abstentions, by which it reduced the Mission's 1,240 military personnel to a ceiling of 434 and its police strength to 310 personnel, and extended the mandate of UNMIL for a final period until 30 March 2018.

**Libya**

On 6 December, the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), Martin Kobler, briefed the Security Council on the basis of the most recent report of the Secretary-General on UNSMIL (S/2016/1011). He recalled that the Presidency Council of Libya had been operating for almost nine months from Tripoli, and it was meeting regularly with financial institutions to address the country's economic troubles. He expressed appreciation for the support of the international community and informed the Council that advances against terrorism had been made in both the east and the west of the country. The work of the institutions of the Libyan Political Agreement was, however, below expectations. Furthermore, he explained that the fragmented security situation allowed criminal and terrorist networks to flourish, and expressed the view that the violent clashes were symptoms of the lack of security and underlying tensions among communities. In that context, he supported the enforcement of the arms embargo. The Special Representative concluded by pointing out six questions that still needed to be addressed: the outstanding political questions; the issue of armed groups in Tripoli; the continuation of the fight against terrorism; the fundamentals of the Libyan economy; the issue of human rights and the rule of law, including the situation of migrants; and the importance of UNSMIL returning to Tripoli in a phased way, once security concerns had been adequately mitigated.

The Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, Ramlan Ibrahim, briefed the Security Council on the work of the Committee from 15 September to 6 December. He referred to the security issues contained in the interim report of the Panel of Experts on Libya, as well as to a number of violations of the arms embargo and individual sanctions described in the report. He informed the Council of the discussions of the Committee with regard to the 16 recommendations made by the Panel of Experts, 6 of which were agreed to be followed up, and briefly touched on the notably increased activities of the Committee during the reporting period.

Subsequently, under rule 37 of the provisional rules of procedure of the Security Council, the Chargé d'affaires a.i. of the Permanent Mission of Libya to the United Nations intervened to welcome the extension of the mandate of UNSMIL. He hoped that the Mission would soon be able to return to Tripoli and be more active in the coming months, in particular with regard to strengthening State institutions and promoting the implementation of the Libyan Political Agreement. In that connection, he explained that the Agreement still faced very serious difficulties owing to the rejection by the House of Representatives of the Government of National Accord, whose success largely depended upon the implementation of certain security measures. He also commended the efforts made with respect to fighting terrorism, and highlighted a number of issues included in the latest report of the Secretary-General on UNSMIL. He expressed his preference that the Mission's mandate focus on additional sectors, such as security, institution-strengthening or the disarmament, demobilization and reintegration programme.

With respect to the Committee, he expressed the hope that the sanctions would be managed in a different manner, and asked for the presidential guard to be exempt from the arms embargo.

In closed consultations, Security Council members supported the extension of the mandate of UNSMIL, scheduled for later that month, and discussed the tasks that it should carry out. They also assessed the current situation in the country, expressed their views on the political and security roles that could be played by national stakeholders and highlighted the urgent need for the unification of Libya and its State institutions on the basis of an inclusive political dialogue under the auspices of the United Nations. In that regard, most delegations touched upon the latest developments in the fight against terrorist groups, with particular attention to the case of the Islamic State in Iraq and the Levant (ISIL), also known as Da'esh. Other topics raised during the meeting included the illegal exportation of oil, the flow of migrants in Libya and the need for the national economic institutions to step up their cooperation with the Government of National Accord.

On 7 December, the Security Council issued a press statement reiterating its support to the efforts of the Special Representative of the Secretary-General and those of UNSMIL, and encouraging their intensified efforts in facilitating implementation of the Libyan Political Agreement. Council members expressed their deep concern over the challenging political and security context in Libya. They further expressed deep concern over the recent escalation of violence between armed groups in Tripoli, and called on all parties to accelerate the implementation of the Libyan Political Agreement.

On 13 December, the Security Council unanimously adopted resolution 2323 (2016), by which it extended until 15 September 2017 the mandate of UNSMIL.

**United Nations Mission for the Referendum in Western Sahara**

On 13 December, the Security Council held consultations under the item entitled "Other matters" at the request of Uruguay and the Bolivarian Republic of Venezuela to discuss the latest developments with regard to the United Nations Mission for the Referendum in Western Sahara (MINURSO). The Under-Secretary-General for Peacekeeping Operations expressed his concern over the lack of progress with regard to the situation in the area of Guerguerat, where both parties reported alleged violations of the ceasefire. However, the Mission did not have the capacity to verify the veracity of those claims. He stressed the need for both parties to respect the ceasefire and reduce tensions in order to avoid an eventual escalation of violence, and reported on the efforts aimed at restoring full functionality to MINURSO. In that regard, he elaborated on the ongoing recruitment process, as well as on the deployment of staff and equipment. A review report with recommendations to increase the adaptability and effectiveness of the Mission, he said, was still pending.

**Peace consolidation in West Africa**

On 10 December, the Security Council issued a press statement strongly condemning the statement by the outgoing President of the Gambia, Yahya Jammeh, rejecting the 1 December official election results proclaimed by the Independent Electoral Commission and calling for new elections. The Council called on Mr. Jammeh to respect the choice of the sovereign people of the Gambia, urged him to carry out a peaceful and orderly transition process, and requested that the security of the President-elect, Adama Barrow, and that of all Gambian citizens, be fully ensured.

On 12 December, the Council held urgent consultations to discuss the situation in the Gambia at the request of the delegation of Senegal. The Under-Secretary-General for Political Affairs, Jeffrey Feltman, explained that Mr. Jammeh had initially accepted the results of the 1 December presidential election and had congratulated Mr. Barrow. However, Mr. Jammeh later rejected the outcome and alleged that irregularities had taken place. The Under-Secretary-General considered that to be a denial of the will of the Gambian people, and expressed his concern with regard to the safety of Mr. Barrow. He explained that the Special Representative of the Secretary-General for West Africa, Mohamed Ibn Chambas, was using his good offices with a wide range of national and international stakeholders with a view to ensuring a smooth and peaceful transition of power. He informed the Council of the plans of the Special Representative to visit Banjul on 13 December as part of a high-level delegation that would include a number of leaders from the Economic Community of West African States (ECOWAS).

The members of the Security Council held a unified position on the issue, reiterating the ideas they had expressed in their press statement of 10 December. They renewed their request to respect the choice of the sovereign people of the Gambia and to transfer, without condition or undue delay, power to the President-elect. Council members fully supported the initiatives of ECOWAS and the efforts of the Special Representative of the Secretary-General aimed at ensuring a peaceful and orderly transition process, and urged Mr. Jammeh to meet and cooperate with the high-level delegation from the United Nations, the African Union and ECOWAS that would visit Banjul on 13 December. The members of the Council also reiterated their call to all parties to exercise maximum restraint and refrain from violence, and expressed their commitment to continue to follow closely the evolution of the situation in the Gambia, within the framework of the conflict prevention role of the Council.

On 16 December, the Security Council discussed the situation in the Gambia in urgent consultations at the request of the Department of Political Affairs. The Under-Secretary-General for Political Affairs informed the Council that the ECOWAS high-level delegation that had travelled to Banjul met with Mr. Jammeh on 13 December, although the latter did not allow the Special Representative of the Secretary-General to attend the meeting. The takeover of the premises of the Independent Electoral Commission of the Gambia by the military also took place that day. The Under-Secretary-General informed the Council that the ruling party, the Alliance for Patriotic Reorientation and Construction, had submitted an appeal to the Gambian Supreme Court against what they considered to be a fraudulent decision. He also expressed his concerns with regard to the safety and security of Mr. Barrow, to whom the Government had not assigned any protection. In that context, the United Nations renewed its call to all national and regional stakeholders to avoid any escalation, and reiterated that the international community had to take a strong and firm position.

Members of the Security Council expressed their serious concerns with regard to the takeover of the premises of Independent Electoral Commission of the Gambia by the military, and urged the military to immediately vacate those premises and to avoid any interference in the peaceful transfer of power. Council members further encouraged the African Union and ECOWAS to pursue their efforts to avoid a further deterioration of the situation in the Gambia. They also reiterated their support for the efforts of the Special Representative of the Secretary-General, and urged Mr. Jammeh to cooperate and to ensure a peaceful and orderly transition process. They reiterated their call to all parties, including security forces, to exercise maximum restraint and refrain from violence. They insisted that the security of the Mr. Barrow, and that of all Gambian citizens, be fully ensured. The members of the

Council expressed their commitment to continue following closely the evolution of the situation in the Gambia.

On 19 December, the Security Council discussed the situation in the Gambia in urgent consultations at the request of the delegation of Senegal. The Under-Secretary-General for Political Affairs informed the Council that the leaders present at the fiftieth ordinary session of the Authority of Heads of State and Government of ECOWAS, convened in Abuja on 17 December, called on Mr. Jammeh to accept the result of the polls and refrain from any action likely to compromise the transition and peaceful transfer of power to Mr. Barrow. In that regard, the final communiqué adopted at the end of the ECOWAS session included a number of decisions on the matter of the Gambia. The Under-Secretary-General conveyed the request of ECOWAS to have such decisions endorsed by the Council. He stressed the commitment of the United Nations to fully support those decisions, and commended the firm stand taken by the regional group with respect to the situation in the Gambia.

Security Council members expressed their readiness to show their support to the decisions recently taken by ECOWAS, and agreed to discuss a presidential statement on the Gambia. Besides reiterating the ideas expressed in the latest Security Council press statements, certain delegations underscored the need for the Gambian armed and security forces to remain neutral, and others stressed the importance of having ECOWAS, the African Union and the United Nations work together.

On 21 December, the Security Council issued a statement by the President (S/PRST/2016/19) on peace consolidation in West Africa, in which it recalled several documents previously issued by the United Nations, the African Union and ECOWAS with regard to the situation in the Gambia. In particular, the Council welcomed and encouraged the decisions that were taken in that regard during the fiftieth ordinary session of the Authority of Heads of State and Government of ECOWAS, as well as the decision of the Peace and Security Council of the African Union to recognize Mr. Barrow as President-elect of the Gambia. Furthermore, the Council reiterated its request to Mr. Jammeh to fully respect the results of the presidential election, commended the initiatives of ECOWAS aimed at ensuring a peaceful and orderly transition process and welcomed the appointment by ECOWAS of the President of Nigeria, Muhammadu Buhari, as Mediator in the Gambia, and the President of Ghana, John Dramani Mahama, as Co-Chair. The Council further requested that the security of Mr. Barrow, and that of all Gambian citizens, be fully ensured. Moreover, the Council requested that the Gambian defence and security forces demonstrate maximum restraint, and asked the Secretary-General to facilitate political dialogue.

**South Sudan**

On 15 December, the Security Council unanimously adopted resolution 2326 (2016), by which it extended until 16 December 2016 the mandate of the United Nations Mission in South Sudan (UNMISS), which should continue to include a regional protection force.

On 16 December, the Security Council unanimously adopted resolution 2327 (2016), by which it extended until 15 December 2017 the mandate of UNMISS, and decided that it should continue to include a regional protection force.

On 19 December, the Secretary-General briefed the Security Council on the deteriorating situation in South Sudan, which he described as one of the world's most urgent crises. He said that the responsibility for that tragic state of affairs lay on the shoulders of the country's leaders. Moreover, he pointed out that there were

clear indications that the parties were contemplating a military escalation. He further reiterated his call for an arms embargo, which in his view would diminish the capacity of all sides to wage war. At the same time, he encouraged the parties to reinvigorate an inclusive political process that was deemed credible by the international community, and expressed the view that a national dialogue could be a positive step if all stakeholders were able to participate in freedom and safety — an environment that did not exist at the time in South Sudan. In that regard, he called on regional leaders to invest all possible efforts into resuscitating the political process, and commended the ongoing initiatives. He also warned that the conflict in South Sudan had already assumed an ethnic dimension. He referred to the two independent investigations linked to the performance of the troops of UNMISS, which for its part continued to face serious restrictions on its freedom of movement. Furthermore, he asked the Government of South Sudan to fulfil its pledges of unconditional acceptance of the deployment of the regional protection force.

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, reported on the humanitarian situation in South Sudan, which he said had deteriorated dramatically since his last briefing six months before owing to the destructive violence on the ground. He also recalled that approximately 3.1 million people in South Sudan had been forced to flee their homes, and pointed out that the cost of the protracted conflict continued to be particularly brutal for children. He further warned that hunger and malnutrition levels were disconcertingly high, and basic services were severely stretched. Women and girls continued to face heightened risks of sexual violence, particularly by armed actors, while the ability of humanitarian partners to provide life-saving assistance in a timely and effective manner was diminishing at an alarming pace. He reported on increasing levels of bureaucratic obstruction and intimidation to aid organizations, mainly by the Government, but also by parts of the Sudan People's Liberation Army in Opposition. The access of humanitarian actors to those most in need continued to be restricted. He concluded by sending a three-part message: first, that without a cessation of violence the humanitarian crisis would cascade beyond anyone's control; second, that collective leverage had to be exerted to ensure the facilitation of unhindered access; and third, that there was no greater urgency than to prevent a genocide from happening.

The Permanent Representative of South Sudan to the United Nations took the floor under rule 37 of the provisional rules of procedure of the Security Council. He highlighted the political will of his Government, which expressed its commitment to fully implement the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and expressed the view that, if there was any failure or delay in the deployment of the regional protection force, it was not on the part of South Sudan. He gave his assurances that the national dialogue would include all stakeholders in the country, and disagreed with the view that the ongoing conflict in South Sudan could become an outright ethnic war. While recognizing the importance of the protection of civilians and the delivery of humanitarian assistance, he hoped that UNMISS would also pay due attention to the capacity-building of government institutions. He also rejected the proposed arms embargo and threats of sanctions, and regretted the moral equivalency that in his view did not distinguish between a legitimately elected government and an armed rebellion intent on overthrowing that government.

Subsequently, in closed consultations, the Assistant Secretary-General for Peacekeeping Operations, El-Ghassim Wane, reported a number of obstacles to the deployment of the regional protection force and elaborated on the restrictions imposed to the freedom of movement of both UNMISS and humanitarian actors. With regard to the political process, he considered the calling for a national dialogue

to be a positive development, but pointed out that it had to be conducted in adequate conditions. Meanwhile, he informed the Security Council that the security situation continued to deteriorate.

Many Security Council members expressed their concerns with regard to the worsening of the humanitarian situation in South Sudan, and certain delegations highlighted the risk of an eventual increase of violence and its impact on the civilian population. Accordingly, there were calls for an immediate removal of all obstacles imposed on UNMISS and the humanitarian actors. Some Council members called for imposing an arms embargo, and some also referred to individual designations for targeted sanctions. On the other hand, some delegations expressed the view that such measures would not be a solution, and warned that the measures could undermine the ongoing political process. There were also differing views with regard to the level of cooperation shown by the Government of South Sudan. Some Council members welcomed the Government's acceptance of the deployment of the regional protection force and commended its constructive attitude, whereas others underscored that the Government's commitments had not been translated into actions on the ground.

On 23 December, the Security Council proceeded to vote on a draft resolution (S/2016/1085), submitted by the United States of America, to impose an arms embargo on South Sudan and targeted sanctions on three individuals. There were 7 votes in favour and 8 abstentions. The draft resolution was therefore not adopted, having failed to obtain the required number of votes.

**Sudan and the International Criminal Court**

On 13 December, the Prosecutor of the International Criminal Court, Fatou Bensouda, presented to the Security Council her Office's twenty-fourth report on the situation in Darfur, pursuant to resolution 1593 (2005). She informed the Council that all five suspects against whom warrants of arrest had been issued by the Court remained at large. In that regard, she criticized the Council's inaction and requested that the Council consider using the tools at its disposal when findings of non-compliance were received. Ms. Bensouda also raised concerns with regard to the lack of access by her Office, as well as by the African Union-United Nations Hybrid Operation in Darfur, to the Jebel Marra region. With regard to the lack of resources, she indicated that the Council's support in obtaining funding from the General Assembly would increase the investigative capacity of her team.

In their statements, some Security Council members expressed their support for the work of the International Criminal Court and called on the Government of the Sudan to meet its obligations under resolution 1593 (2005) to cooperate fully with the Court and execute outstanding arrest warrants. Some members also asserted that the Council should take measures in that regard. Other Council members criticized the assessments of the Court in Darfur, which in their view could hardly contribute to the reconciliation process. They also stated that attempts to shift the burden of financing of Court investigations in Darfur onto the United Nations were unjustified. They also said that the Court should not take any measures that could affect peace, security, stability, sovereignty or territorial integrity in African States, stressing that the referral of a situation to the Court did not affect the applicability of the norms of international law pertaining to the right to jurisdictional immunity for Heads of State of those States that were not party to the Rome Statute. In addition, some members called for the resumption of dialogue as the only solution to political disputes in Darfur and the Sudan.

Speaking under rule 37 of the provisional rules of procedure of the Security Council, the Permanent Representative of the Sudan to the United Nations criticized

the Prosecutor's report and briefing as containing many examples of inconsistency, contradiction and unworthiness with regard to an issue that had long been settled by the conclusion of the comprehensive agreement welcomed by the Council in its resolution 2003 (2011), and by the agreement's implementation across the board. He reminded the Council that the Sudan was not a party to the Rome Statute of the International Criminal Court and, moreover, that the Court was not an organ of the United Nations.

**United Nations Regional Office for Central Africa/Lord's Resistance Army**

On 7 December, the Acting Special Representative of the Secretary-General for Central Africa and head of the United Nations Regional Office for Central Africa (UNOCA), François Loucény Fall, briefed the Security Council on the basis of the most recent report of the Secretary-General on the situation in Central Africa and the activities of UNOCA (S/2016/996). He informed the Council that, despite a peaceful and successful transition in the Central African Republic earlier that year, the recent outbreak of violence had resulted in high numbers of fatalities. He stressed the importance of sustained assistance by international partners, including the quick disbursement of the pledges announced in the donors' conference recently held in Brussels. He also reported on the agreement signed on 15 November between Equatorial Guinea and Gabon to submit their long-standing border dispute to the International Court of Justice. Regarding the political tensions arising from recent and upcoming electoral processes in the region, he underscored the importance of genuine and inclusive political dialogue and reiterated his intention to continue offering his good offices. He indicated that the collective efforts of the countries of the Lake Chad basin in fighting terrorism had resulted in substantial military and security successes, though Boko Haram remained a serious threat to regional stability, and that timely support for the Multinational Joint Task Force was critical in order to maintain the progress made. The Acting Special Representative pointed out that the Lord's Resistance Army also continued to threaten regional security, and proceeded to explain in detail the work of UNOCA on that issue, which included the implementation of the United Nations regional strategy. He expressed his concern about the announced withdrawal of Ugandan troops from the African Union Regional Task Force, which would lead to a security vacuum that the Lord's Resistance Army would benefit from. Finally, he informed the Council of an increase in the number of piracy incidents in the Gulf of Guinea, while the Interregional Coordination Centre for Maritime Safety and Security in the Gulf of Guinea was not yet fully operational.

In closed consultations, Security Council members expressed their support to the Acting Special Representative of the Secretary-General and encouraged him to continue providing his good offices. Certain participants noted that he should only do so at the request of the governments involved. Council members also noted the important role of preventive diplomacy and mediation efforts for peace and stability in Central Africa. In that regard, some delegations referred to specific situations related to recent and future electoral processes in various countries of the region. Council members remained concerned by the security challenges posed by the Lord's Resistance Army and Boko Haram and encouraged a regional approach to tackling those security threats and their humanitarian impact in the region. Furthermore, a number of delegations stressed the risks resulting from an eventual withdrawal of the Ugandan contingent currently fighting the Lord's Resistance Army. With regard to the fight against Boko Haram, many delegations stressed the need for the international community to increase its support for regional efforts, including the operationalization of the Multinational Joint Task Force. Moreover, both Council members and the Acting Special Representative agreed that piracy was a persistent threat to maritime security in the Gulf of Guinea. Finally, most

delegations expressed their concerns with regard to the ongoing humanitarian crises that several countries in the region were facing, especially in the Lake Chad basin.

## Middle East

### Iraq

On 30 December, the Security Council unanimously adopted resolution 2335 (2016), by which it renewed a number of provisions included in resolution 1958 (2010) on the oil-for-food programme.

### Lebanon

On 19 December, the Security Council issued a press statement welcoming the announcement, on 18 December, of the formation of a national unity government in Lebanon, and congratulated Prime Minister Saad Hariri and his Cabinet. Council members encouraged all of the country's political leaders to build on the momentum of national unity, and stressed the importance of the holding of parliamentary elections by May 2017, in accordance with the Constitution of Lebanon, in order to sustain its democratic tradition.

The members of the Security Council underscored their previous calls for all Lebanese parties to recommit to the country's policy of dissociation and to cease any involvement in the Syrian crisis, consistent with their commitment in the Baabda Declaration. They reaffirmed their strong support for the territorial integrity, sovereignty and political independence of Lebanon, in accordance with the relevant resolutions of the Council, and called on the international community to ensure continued support to Lebanon in addressing the economic, security and humanitarian challenges facing the country. They reiterated their appreciation for the International Support Group for Lebanon and their support to the United Nations Special Coordinator for Lebanon.

### Syrian Arab Republic

On 5 December, the Security Council held closed consultations on the humanitarian situation in the Syrian Arab Republic.

Subsequently, the Security Council proceeded to vote on a draft resolution (S/2016/1026) submitted by Egypt, New Zealand and Spain. There were 11 votes in favour, 3 votes against and 1 abstention. The draft resolution was therefore rejected, owing to the vote against the resolution by two permanent members.

On 8 December, the Security Council held closed consultations on the Middle East, in particular the Syrian Arab Republic, during which the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, briefed the Council on the recent developments in the efforts to achieve a political solution to the Syrian crisis. He warned Council members about the extremely grave situation on the ground as new levels of violence were reached, particularly in the city of Aleppo. He reiterated that there was no possible military solution to the crisis in Syria, and summarized the dynamics related to the talks that had been held in Geneva.

Focusing on the situation in Aleppo, the Special Envoy of the Secretary-General warned the Security Council that a large number of civilians were still in the districts affected by the conflict, although he could not provide concrete figures, while food, water and medical supplies were running out. He detailed the responses of the United Nations agencies and called on those with influence on both sides to facilitate evacuation efforts. At the same time, he reiterated that the United Nations stood ready to assist the parties in case the political process were to be resumed, and

stressed the need for a fundamental overhaul of the Syrian political system, including on aspects such as the diffusing and sharing of power. The Special Envoy also referenced the economic impact of the conflict and called for an international plan for assistance and recovery.

Security Council members expressed their support for the work of the Special Envoy of the Secretary-General, and addressed the latest developments on the situation in the Syrian Arab Republic. Among the main topics of discussion were the prospects of a political process in the country, the role of the United Nations, ways to protect the population of Aleppo and other cities, the reported attacks against medical facilities, the ongoing military operations and the threat of terrorism. Many delegations also expressed their points of view on the draft resolution on the humanitarian situation in Aleppo that had been considered by the Council on 5 December.

On 13 December, the Secretary-General briefed the Security Council on the humanitarian situation in Aleppo. The complete statement of the Secretary-General can be found in the record of the 7834th meeting of the Security Council (S/PV.7834).

Many Security Council members denounced the worsening humanitarian situation, called for the protection of civilians and the full respect of international humanitarian law and denounced the inability of the Council to prevent the current situation. Many also asked for a sustainable ceasefire, the presence of impartial international observers in the city to oversee the safe evacuation and unimpeded access for humanitarian assistance. Other members emphasized the need to fight terrorism and the terrorists groups present in Aleppo, and others criticized the spread of propaganda, disinformation and fake news.

Speaking under of the provisional rules of procedure, the Permanent Representative of the Syrian Arab Republic to the United Nations rejected the statement made by the Secretary-General as unverified information. He denounced the calling of emergency sessions by certain members of the Security Council as being done on the basis of fabricated information.

On 16 December, at the request of the delegation of France, the Security Council held closed consultations, under the item entitled "Other matters", on the humanitarian situation in the Syrian Arab Republic. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator reported on the humanitarian situation in Aleppo and the ongoing efforts to evacuate its civilian population. He stressed the importance of having a strong United Nations presence on the ground to verify and ensure the accuracy of information, as well as to provide medical and food support to those in need.

Many Security Council members referred to the contradictory reports on the situation on the ground and supported the idea of having the United Nations monitor the evacuation process. The delegation of France, who had requested the consultations, presented a draft resolution in that regard. For their part, some Council members underscored the complexity of the situation, especially given the rapidly changing security environment. There was also a discussion on the impediments to access faced by United Nations officials, and most delegations reiterated the need to pursue a political solution to the conflict.

On 18 December, the Security Council held closed consultations, at the request of the delegation of France, on the humanitarian situation in Aleppo, to further discuss the draft resolution proposed by that delegation.

On 19 December, the Security Council unanimously adopted resolution 2328 (2016) with regard to the humanitarian situation in Aleppo.

On 21 December, the Security Council unanimously adopted resolution 2332 (2016), presented by Egypt, New Zealand and Spain, by which it renewed until 10 January 2018 the decisions in paragraphs 2 and 3 of its resolution 2165 (2014) on the humanitarian situation in the Syrian Arab Republic to facilitate cross-border humanitarian assistance to populations in need.

On 23 December, the Security Council was briefed by the Director of the Coordination and Response Division of the Office for the Coordination of Humanitarian Affairs of the Secretariat, John Ging, on the basis of the most recent report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) (S/2016/1057). His briefing focused on the evacuation of Aleppo and the general humanitarian situation in the rest of the country. The Director stressed that, while the evacuation of the eastern districts of Aleppo had concluded, the situation in the country remained catastrophic. He updated the Council on the United Nations role in Aleppo and in supporting the evacuation of the city: observing the evacuation itself; supporting the evacuees once they had left; seeking access to the retaken areas of eastern Aleppo in order to provide assistance to those remaining in those areas; and continuing ongoing humanitarian operations to support those across the remainder of the city. He also updated and notified the Council of the arrangements undertaken pursuant to resolution 2328 (2016). With regard to the areas outside Aleppo, he denounced the humanitarian situation as dreadful: in neighbouring Idlib governorate, the towns of Fu'ah and Kafraya remained besieged by non-state armed opposition groups. He said that the United Nations continued to follow operations against ISIL occurring around Al-Bab and Raqqa with concern. ISIL advances in Palmyra and nearby areas in eastern Homs were also of major concern. Moreover, he criticized the fact that, despite the humanitarian situation, they had been persistently hindered by obstacles to delivering much-needed assistance. Finally, he reiterated that there was no humanitarian solution to the crisis and welcomed the announcement by the Special Envoy of the Secretary-General for Syria with regard to the resumption of political talks in February. The complete statement of the Director can be found in the record of the 7852th meeting of the Security Council (S/PV.7852).

On 30 December, the Security Council held closed consultations on the political situation in the Syrian Arab Republic, at the request of the Russian Federation, during which that delegation presented a draft resolution with regard to the agreements reached earlier that day in the context of the settlement of the Syrian conflict. All Council members expressed their openness to considering the draft resolution, and several delegations asked for further clarification on a number of issues.

On 31 December, the Security Council held closed consultations on the political situation in the Syrian Arab Republic, at the request of New Zealand, to further discuss the draft resolution presented the previous day by the Russian Federation.

Subsequently, the Security Council unanimously adopted resolution 2336 (2016), by which it welcomed and supported the efforts by the Russian Federation and Turkey to end violence in the Syrian Arab Republic and jump-start a political process, and took note of the documents issued by the Russian Federation and Turkey in that regard.

**The situation in the Middle East, including the Palestinian question**

On 16 December, the Secretary-General briefed the Security Council on the situation in the Middle East, including the Palestinian question. He highlighted that,

while the Israeli-Palestinian conflict was not the cause of the wars in the Middle East, its resolution could create a momentum for peace throughout the region. He recalled that Gaza and the West Bank, including East Jerusalem, had been under military occupation since 1967, and said that those lands comprised the future Palestinian State, ultimately to be agreed by the parties through direct negotiations. In that regard, he expressed the view that the right of the Jewish people to have a State did not negate the right of the Palestinian people to statehood. However, he stressed that Palestinian frustration and grievances were growing under the weight of nearly half a century of humiliating occupation, and that at the same time Israelis felt that there was no end in sight to terrorism, as incitement and calls for the obliteration of Israel continued unchallenged by Palestinian leaders. The Secretary-General stated that the framework for peace remained unchanged — the establishment of two States, on the basis of the principle of land for peace and a just and comprehensive regional peace — but despite early optimism, attempts to reach a final resolution failed to make headway. He underscored that there was a way out of that deadlock: by both sides implementing the recommendations in the recent report of the Middle East Quartet. There were, however, major obstacles, including the settlement activity by Israel beyond the 1967 line and its heavy-handed security responses, as well as the absence of Palestinian unity throughout the occupied territory and the indiscriminate rocket fire by Hamas towards Israel. In that regard, he stressed that Hamas had to renounce once and for all the use of violence and recognize the right of Israel to exist. The Secretary-General pointed out that, over the past 10 years, only two resolutions had been adopted on the Middle East peace process, the most recent almost 8 years ago. In addition, he argued that any bias against Israel within the United Nations bodies should never be accepted, and pointed out that a disproportionate volume of resolutions, reports and conferences criticized Israel. For the future, he called on the Council to reaffirm without reservations that there was no alternative to the two-State solution, and urged the development, in consultations with the parties, of an agreed framework advancing a final resolution of the conflict on the basis of direct negotiations.

All Security Council members took the floor in the open Chamber. There was overall support for the idea of adopting a resolution with a view to promoting the two-State solution, but one delegation underscored its objection to any resolution that could delegitimize Israel. Most Council members expressed their support for the ongoing and planned initiatives aimed at creating the necessary conditions for both parties to resume direct negotiations. There was consensus on the idea that settlements built in the West Bank were an obstacle to a two-State solution, with some delegations expressing concern with regard to the bill that was being discussed by the Knesset to legalize such outposts.

In closed consultations, Security Council members were briefed by the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov. He reported on some recent developments, including the bill that was being debated in the Knesset for the legalization of outposts, and housing units built on private Palestinian land in the West Bank. He also referred to the Fatah congress that had recently taken place.

On 23 December, the Security Council adopted resolution 2334 (2016), with 14 votes in favour and 1 abstention, which reaffirmed the illegality of Israeli settlements in Palestinian territory and their threat to the two-State solution. The resolution also condemned violence, inflammatory rhetoric and the incitement of terrorism, and called for immediate steps to prevent all acts of violence against civilians, and for all parties to continue to exert collective efforts to launch credible negotiations on all final-status issues in the Middle East peace process within the time frame specified by the Middle East Quartet in its statement of 21 September 2010.

### United Nations Disengagement Observer Force

On 13 December, the Security Council held closed consultations on the United Nations Disengagement Observer Force (UNDOF). The Under-Secretary-General for Peacekeeping Operations briefed the Council on the basis of the latest report of the Secretary-General (S/2016/1037). He highlighted that UNDOF had completed its planned limited return to Camp Faouar, where more than 150 personnel were already redeployed. It was a significant milestone and represented the first phase of the return of the Force to positions and observation posts in the area of separation and the area of limitation that had been vacated in 2014. He expressed concern about the spillover of the conflict in the Syrian Arab Republic and the significant increase in retaliatory fire across the ceasefire line, particularly in the southern parts of the areas of separation and limitation on the Bravo side. He also endorsed the recommendation of the Secretary-General to extend the mandate of the Force for a further period of six months, until 30 June 2017.

Security Council members supported the six-month extension of the mandate of UNDOF and underscored the importance of an incremental return to vacated positions in the area of separation, conditions permitting, commencing with a limited return to Camp Faouar. They stressed the need to ensure the safety and security of United Nations personnel on the ground, and expressed their concern with regard to the violations of the Disengagement of Forces Agreement, as well as the disturbing presence of listed terrorist groups. The use of technology and equipment to enhance UNDOF observation tasks and to improve Force protection was also raised by a number of Council members.

On 19 December, the Security Council unanimously adopted resolution 2330 (2016), by which it extended until 30 June 2017 the mandate of UNDOF.

## Americas

### Colombia

On 1 December, the Security Council issued a press statement welcoming the ratification by the Colombian Congress of the new final peace agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army.

## Europe

### Georgia

On 6 December, the Security Council held closed consultations, under the item entitled "Other matters", at the request of the delegation of Ukraine, to discuss recent developments with regard to the situation in Georgia.

### International Tribunal for the Former Yugoslavia

On 8 December, the Security Council held a debate on the International Tribunal for the Former Yugoslavia with the participation of the President of the International Tribunal for the Former Yugoslavia, Judge Carmel Agius; the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron; and the Prosecutor of the International Tribunal for the Former Yugoslavia and Prosecutor of the International Residual Mechanism for Criminal Tribunals, Serge Brammertz. The representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia also took the floor in accordance with rule 37 of the Council's provisional rules of procedure.

Judge Agius explained that, with only one trial, one appeal and one contempt case remaining, the mandate of the International Tribunal for the Former Yugoslavia was nearly complete, and so he had recently submitted a request for a final extension of the terms of office of the judges, as he was confident that the Tribunal would close its doors at the end of 2017. However, he regretted the pending contempt case of *Prosecutor v. Petar Jojić et al.*, in which Serbia had yet to execute the arrest warrants for three indicted persons that had been issued 22 months ago. He requested the Security Council's support on the matter. In addition, he called on all Member States to execute the international arrest warrants and orders to surrender. Finally, he referred to the problem of staff attrition, which, he argued, would increase the risk that the Tribunal would not be able to complete its remaining cases by the end of November 2017.

Judge Meron recalled the good progress made by the International Residual Mechanism for Criminal Tribunals on a number of fronts. He emphasized that, while the Mechanism was able to do a great deal on its own, it was also dependent upon cooperation from others, and he therefore thanked the assistance provided to it by the International Tribunal for the Former Yugoslavia and thanked the Mechanism's host States for the support they provided. Moreover, he stressed that the Mechanism also remained reliant upon cooperation from Member States when it came to the apprehension of the remaining fugitives, the enforcement of sentences and the identification of a resolution to the difficult situation involving those acquitted or released individuals currently present in Arusha, and called upon all Member States to support efforts related to those issues. Finally, he mentioned the detention of Judge Aydin Sefa Akay, and, with reference to Judge Akay's diplomatic immunity, called upon the members of the Security Council to do their utmost to bring about a timely and satisfactory resolution to that situation.

Mr. Brammertz, in accordance with his dual role, reported on the activities of both the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals in Arusha and The Hague. He explained that his Offices were firmly focused on three priorities: expeditiously completing trials and appeals; locating and arresting the remaining eight fugitives indicted by the International Criminal Tribunal for Rwanda; and providing assistance to national jurisdictions prosecuting war crimes, crimes against humanity and genocide committed in the former Yugoslavia and in Rwanda. He highlighted that, while cooperation in relation to Rwanda remained smooth and effective, and there were no issues to report, the situation in relation to the former Yugoslavia was unfortunately more mixed. Mr. Brammertz reported that judicial cooperation had experienced a significant setback with the failure of Serbian authorities to enforce the war crimes conviction in the *Djukić* case and that, with respect to Croatia, there continued to be a disconnect between the official commitment to supporting war crimes justice and what was happening in practice.

Most members of the Security Council expressed their support for the work of the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals, praising in particular their adjustment to the scheduled closing of the Tribunal at the end of 2017. Some members also recognized the hardship caused by the loss of personnel. Some delegations reminded Serbia of its obligation to cooperate with the Tribunal. Some delegations expressed concern about and showed support for the need to resolve in a timely manner the situation related to Judge Akay.

On 19 December, the Security Council unanimously adopted resolution 2329 (2016), by which it extended the terms of office of seven permanent judges of the International Tribunal for the Former Yugoslavia until 30 November 2017, as well as the term of office of Judge Carmel Agius as President of the Tribunal until

31 December 2017. By the same resolution, the Council reappointed Mr. Serge Brammertz as the Prosecutor of the Tribunal from 1 January 2017 to 30 November 2017. The Council strongly emphasized that all the extensions and the reappointment should be final. The Council also underlined that States should cooperate fully with the Tribunal and the International Residual Mechanism for Criminal Tribunals and encouraged the Tribunal to continue implementing the recommendations of the Office of Internal Oversight Services contained in its report on the evaluation of the methods and work of the Tribunal.

## Asia

### Afghanistan

On 19 December, the Security Council held its quarterly debate on the situation in Afghanistan. The Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (UNAMA), Tadamichi Yamamoto, the Executive Director of the United Nations Office on Drugs and Crime (UNODC), Yury Fedotov, and the Permanent Representative of New Zealand to the United Nations, Gerard van Bohemen, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1988 (2011), briefed the Council, and 13 other delegations participated under rules 37 and 39 of the Council's provisional rules of procedure.

The Special Representative of the Secretary-General for Afghanistan noted that the National Unity Government had marked its second anniversary and welcomed its continued efforts towards advancing its reform agenda and enhancing public services. He recalled the message from recent international conferences that Afghanistan would not stand alone. He also welcomed the swift response of the international community to the United Nations appeal for displaced persons and returnees, as Afghan citizens were returning home in record numbers. While acknowledging the work being undertaken by the Government to put in place programmes that would enable both displaced persons and returnees to become part of the economy and their host communities, he highlighted the importance of addressing with urgency the longer term needs of integration. The Special Representative warned that, despite the efforts of the international community and the Afghan Government, a better future was not possible without peace, and called upon the Taliban to commit to direct talks with the Afghan Government, without preconditions. In addition, he mentioned the peace agreement with Hizb-i Islami as proof of the Government's serious intentions. Finally, he expressed his appreciation for the active efforts of countries in the region to assist Afghanistan, as reflected by the outcome of the sixth Heart of Asia Ministerial Conference in Amritsar, India, and reminded the Council that further steps could be taken by countries in the region to improve the prospects of peace.

The Executive Director of UNODC updated the Security Council on the work of UNODC against illicit drugs in Afghanistan and their impact on health, development and security. He lamented the fact that the UNODC Afghanistan Opium Survey 2016 had shown a worrying reversal of the efforts to combat that persistent problem, as opium poppy cultivation and production levels had increased. He recalled the Brussels Conference on Afghanistan, which underlined the importance of fighting organized crime, including money laundering, corruption and the financing of terrorism, as well as the importance of treating and rehabilitating drug users. Because Afghan heroin was linked to terrorism and the insurgency, and the bulk of opium cultivation took place in areas controlled by the Taliban, the Executive Director expressed his Office's satisfaction with the decision of the Afghan Government to develop a national action plan on violent extremism. He

enumerated the different ways UNODC was promoting cooperation in the region, building the capacities of the Ministry of Counter-Narcotics and the narcotics police, enhancing the capacity of financial intelligence units and the regulatory and criminal justice institutions and working with Afghan counterparts to draft a new, comprehensive anti-corruption law based on international standards and best practices.

The Chair of the Security Council Committee established pursuant to resolution 1988 (2011) reminded the Council that the sanctions regime was intended to support the peace and reconciliation process. However, despite the sanctions measures, the Taliban had retained the ability to conduct attacks on Afghan forces, the Afghan people and the international presence in Afghanistan. In addition, he highlighted that armed clashes between the Taliban and the Afghan Government continue to be funded mainly by the narcotics economy and the illegal extraction of natural resources. He encouraged Member States to play a more active role in providing information that would keep the sanctions list as up-to-date as possible. Referring to his recent trip to Afghanistan as Chair of the Security Council Committee established pursuant to resolution 1988 (2011), and of the Security Council Committee pursuant to 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, to engage with interlocutors in the Afghan Government, he expressed his appreciation for the level of engagement his delegation received while in Kabul, elaborated on the potential for greater use of the sanctions regime to deter the Taliban and support the peace process, and welcomed the commitments made by the Government of Afghanistan during the visit to engage more actively with the sanctions regime.

Speaking under rule 37 of the provisional rules of procedure, the Permanent Representative of Afghanistan to the United Nations reflected on the advances achieved by his country and on the significant developments that had occurred during 2016. He underlined that effective counter-terrorism required a clear regional and global security architecture and constructive engagement among the relevant stakeholders, and called for the improvement of trust, collaboration and coordination among relevant Member States. He referred to the peace agreement signed with Hizb-i Islami on 29 September, which, he said, represented an opportunity to put together the future, not justify the past. He also highlighted the renewed level of consensus displayed by the President of Afghanistan, Ashraf Ghani, and Chief Executive Abdullah Abdullah in the work of the National Unity Government. While referring to the progress attained on the path of economic cooperation, the Permanent Representative recalled that insecurity presented a primary obstacle to the economic reform and infrastructure-building agenda of Afghanistan. He also recalled the work done by the Government of Afghanistan, in collaboration with the United Nations and international partners, on creating equal opportunities for women, in accordance with resolution 1325 (2000), and its determination to bring all human rights violators to justice, including those in the highest positions in government. He concluded by referring to the country's search for long-term and viable solutions for returnees and internally displaced persons, and to its ongoing efforts to curb the menace of narcotics and to break its link to criminality.

Most delegations expressed their support for the political process and for an Afghan-led and Afghan-owned peace process, highlighted the importance of national reconciliation, welcomed the agreement reached by the Afghan Government with Hizb-i Islami, lamented the increase in the number of civilian victims of the conflict and the deterioration of the security and humanitarian situation, including in northern areas, and expressed their concern with regard to the

situation created by the return of Afghan refugees and undocumented Afghan migrants in massive numbers. In addition, many delegations highlighted the importance of the role of women in the peace process and in the reconstruction of Afghanistan. Several delegations also addressed the linkage between narcotics production in Afghanistan and financial support for terrorism.

**Democratic People's Republic of Korea**

On 9 December, the Security Council held a briefing on the situation in the Democratic People's Republic of Korea. The meeting was preceded by a procedural vote, in which the Council approved the provisional agenda by 9 votes in favour, 5 votes against and 1 abstention.

The Deputy Secretary-General, Jan Eliasson, asserted that the patterns of grave violations of human rights in the Democratic People's Republic of Korea had repeatedly been established, but that authorities had not given any effective commitment to remedy the situation. He urged members of the Security Council to ensure that the humanitarian situation did not deteriorate further owing to the measures included in resolution 2321 (2016). He highlighted that serious human rights violations were warning signs of instability and conflict, and therefore any attempt to achieve lasting peace and stability demanded justice and redress for victims inside and outside the Democratic People's Republic of Korea. In addition, he recalled the obligations of the Democratic People's Republic of Korea under international law and called on its Government to abide by them. He also recalled the collective responsibilities of the international community: first, to protect the country's population from violations of international humanitarian law and human rights; second, to live up to the principle and norm of the responsibility to protect; and third, to consider the wider implications of the human rights situation for regional stability. Finally, he supported the use of all the tools at their disposal — the Human Rights Council, the General Assembly, the Security Council and the United Nations and other international entities — to take action to ensure a better future for the people of the Democratic People's Republic of Korea.

The Assistant Secretary-General for Human Rights and Head of the New York Office of OHCHR emphasized that the nature and scale of the violations occurring in the Democratic People's Republic of Korea thoroughly underscored the link between human rights and peace and security. He highlighted that OHCHR continued its efforts to help ensure accountability for violations while seeking every opportunity to engage with the Government, as the Office had continued to offer technical assistance to the Democratic People's Republic of Korea to help the Government implement its human rights obligations. He reminded the Security Council that the General Assembly had again in its resolution that year encouraged the Council to take appropriate action to ensure accountability, including through consideration of a referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court (see General Assembly resolution 71/202). Finally, he asserted that improvement in human rights in the country would not only protect the livelihoods and dignity of people in the Democratic People's Republic of Korea, but also promote long-term security and stability in the region and beyond.

Some Security Council members were opposed to the Council discussing the situation of human rights, stating that the primary responsibility of the Council was the maintenance of peace and security, and therefore that issue should be discussed in specialized bodies. On the other hand, other delegations expressed the view that there was a link between gross human rights violations and regional and international peace and security and therefore the human rights situation in the Democratic People's Republic of Korea fell within the mandate of the Council.

Some Council members expressed their wish to refer the human rights situation to the International Criminal Court and to develop sanctions for reasons related to human rights violations. Some Council members asked for the resumption of dialogue and negotiations aimed at the denuclearization of the Korean peninsula.

Speaking under rule 37 of the provisional rules of procedure, the Permanent Representative of the Republic of Korea to the United Nations expressed regret that the Democratic People's Republic of Korea had turned a blind eye to international calls to improve its human rights record. He recalled the draft resolution of the Third Committee of the General Assembly last month (A/C.3/71/L.23) and emphasized that the country's pursuit of developing nuclear weapons was not only a serious threat to international peace and security but also a grave human rights problem that threatened the very survival of its people, owing to the country's already scarce resources, which he referred to as the reason why the human rights situation in the Democratic People's Republic of Korea stood apart from those in other places of the world and why the Security Council had an important role to play in seeking its resolution.

## Thematic and general issues

### Assassination of the Russian ambassador to Turkey

On 19 December, the Security Council issued a press statement condemning in the strongest terms the terrorist attack that had taken place that day in Ankara, and which resulted in the assassination of the Russian ambassador to Turkey.

### Berlin terrorist attack

On 20 December, the Security Council issued a press statement condemning in the strongest terms the barbaric and cowardly terrorist attack that took place in Berlin on the evening of 19 December, during which at least 12 people were killed and dozens were injured.

### Cairo terrorist attacks

On 11 December, the Security Council issued a press statement condemning in the strongest terms the heinous and cowardly terrorist attack that had taken place that same day in St. Peter's Church, attached to St. Mark's Coptic Orthodox Cathedral, in Cairo, during which at least 25 people were killed and more than 49 were injured. The members of the Council also condemned the terrorist attack that took place in Giza, Egypt, on Friday, 9 December, during which six Egyptian policemen were killed and a number of civilians were injured.

### Non-proliferation of weapons of mass destruction

On 15 December, the Security Council held an open debate entitled "Non-proliferation of weapons of mass destruction: preventing catastrophe: a global agenda for stopping the proliferation of weapons of mass destruction by non-State actors", chaired by the Minister for Foreign Affairs and Cooperation of Spain. The Deputy Secretary-General; the High Representative for Disarmament Affairs, Kim Won-soo; the President and Chief Executive Officer of the Stimson Center, Brian Finlay; and the Vice-President of International Trade Law and the Head of the Global Trade Law Practice Group of DHL Global Business Services, T. James Min, participated as briefers.

At the beginning of the open debate, the Security Council unanimously adopted resolution 2325 (2016) on the non-proliferation of weapons of mass

destruction, which was co-sponsored by 77 Member States, including those of the 15 members of the Council.

The Deputy Secretary-General emphasized that preventing non-State actors from acquiring and using weapons of mass destruction was among the most important responsibilities of the international community, and accordingly, in a rapidly evolving global security environment, they must also be aware of the growing nexus between weapons of mass destruction, terrorism and cybersecurity. He further emphasized that such a complex web of global threats and risks required a global response. He concluded his intervention by reminding the members of the Security Council that the only sure way to prevent terrorists from acquiring weapons of mass destruction was their complete elimination.

The High Representative for Disarmament Affairs highlighted three priorities. He asserted that the threats and risks associated with biological weapons needed to be addressed and that there was much more work to be done in implementing preventative measures. He also referred to disruptive technologies and the need to consider ways to prevent their misuse, while safeguarding peaceful applications. Finally, he referred to the need to narrow the gap between the needs and the available resources of the Security Council Committee established pursuant to resolution 1540 (2004) and its Expert Group, in partnership with the Office for Disarmament Affairs. In that sense, he highlighted that the support structure of the Committee must be fit for purpose in view of the fast-changing security environment.

Mr. Finlay underlined that, despite the progress achieved, there were two key priorities that remained unaddressed. First, he stressed that, given its mandate, the Committee and the nine members of the Expert Group could not hope to keep pace with the evolving proliferation landscape, nor with the activities and demands of the 193 Member States. He stated that assistance for the implementation of resolution 1540 (2004) could also come from civil society. He highlighted that, while it was widely accepted that the proliferation threat had grown, there was not yet a common vision on the fact that governments alone could not tackle the issue, and therefore they also needed to take into account the beneficial role that civil society could play. In that regard, he added, the promotion of a non-proliferation culture in civil society could be useful in countering the threat.

Mr. Min emphasized that cooperation between governments was not enough to achieve the aspirations laid out in resolution 1540 (2004). The private sector, he said, must be engaged in the fight for global peace and security and work together with the public sector to combat illicit activities by non-State actors. In particular, he referred to the positive impact that harmonized regulatory requirements in the key markets could have in the fight against proliferation, thereby fostering business.

Seventy-nine participants took the floor in the debate, including representatives of several international and regional organizations and initiatives, among them the African Union, the European Union, the Organization for Security and Cooperation in Europe, the Organization of American States, the Caribbean Community, the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons, the International Criminal Police Organization (INTERPOL), the Financial Action Task Force, the Nuclear Suppliers' Group and the Missile Technology Control Regime.

Most participants highlighted the transparent way in which the comprehensive review of resolution 1540 (2004) was conducted and the spirit of consensus that made resolution 2325 (2016) possible.

With regard to resolution 2325 (2016), participants highlighted, inter alia, its attention to new risks and threats, its focused approach, the reinforcement of assistance, the promotion of greater coordination between the Security Council Committee established pursuant to resolution 1540 (2004) and relevant international and regional organizations, and the enhancement of cooperation among that Committee, the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Security Council Committee pursuant to 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities.

**Briefings by Chairs of subsidiary bodies of the Security Council**

On 19 December, the outgoing Chairs of the subsidiary bodies of the Security Council briefed the Council according to the year of adoption of the related Council resolutions.

The Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations and Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea and Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, Rafael Ramírez Carreño, said that the Security Council still did not seem to have grasped the notion that the sole objective of sanctions regimes was to contribute to the political solution of conflicts, and not to punish countries. With regard to the sanctions committees he chaired, the Chair pointed out several improvements in working methods, but expressed regret with regard to ineffectiveness owing to politicization. Furthermore, he found it advisable to consider giving the Chairs greater freedom in the preparation and issuance of reports, and proposed the establishment of an ombudsman to examine with greater justice and due process the inclusion on or exclusion from the sanctions list of persons or entities that were linked to a conflict situation. He concluded by mentioning a few pending tasks of the Council.

The Permanent Representative of New Zealand to the United Nations and Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and Chair of the Security Council Committee established pursuant to resolution 1988 (2011), focused on two areas of working methods: the effectiveness of the sanctions committees, where he mentioned that the decision-making process should not obstruct the discharge of obligations related to resolutions adopted under Chapter VII of the Charter of the United Nations; and the process for appointing Chairs, where he welcomed recent improvements but noted that there was still room to do more. He offered five concrete recommendations: avoid duplication and maximize tools; reconsider the use of formulaic statements approved by the sanctions committees in closed consultations; reform the decision-making of the sanctions committees; spread the burden of chairing subsidiary bodies to all Security Council members; and encourage mutual support among elected members.

The Permanent Representative of Angola to the United Nations and Chair of the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa, Ismael Abraão Gaspar Martins, referred to the rejection of the inclusion of specific points raised by the African Union in the agenda of the Ad Hoc Working Group, in particular the rejection of the inclusion of the question of the situation in Western Sahara. He pointed out that the meeting on improving the cooperation between the Peacebuilding Commission and the Security Council in sustaining peace in Africa was a remarkable development, and further recommended

that the annual programme of the Ad Hoc Working Group include themes of peacebuilding and sustaining peace.

The Permanent Representative of Spain to the United Nations and Chair of the Security Council Committee established pursuant to resolution 1540 (2004), Chair of the Security Council Committee established pursuant to resolution 1718 (2006), and Chair of the Security Council Committee established pursuant to resolution 1737 (2006) until 16 January 2016, Román Oyarzun Marchesi, pointed out three ideas to improve the effectiveness of the work of the sanctions committees: promote relevance by avoiding formalisms and allowing substantive debate; increase transparency; and seek to achieve unity in the Security Council in both the adoption and the implementation of resolutions. He also endorsed the five concrete recommendations mentioned above, and referred to specific issues in the three sanctions committees chaired by Spain.

The Permanent Representative of Malaysia to the United Nations and Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, and Chair of the Working Group on Children and Armed Conflict, Ramlan Bin Ibrahim, expressed his concerns with regard to the grave deterioration in the situations of children in many countries affected by conflict. Accordingly, Malaysia had focused on strengthening the normative framework of the Security Council's agenda on children and armed conflict and mainstreaming the issue of child protection into its wider work. In that sense, he recalled the adoption of conclusions by the Working Group on the situation of children in armed conflicts in Afghanistan, the Central African Republic, Iraq and South Sudan. He then turned to the Committee concerning Libya, in which his delegation had had to carefully balance the work in order to ensure in 2015 that the sanctions regime did not interfere with the political processes, and to ensure in 2016 that it supported the establishment of a Government of National Accord. He elaborated on a number of changes and key aspects of the Committee's work, and encouraged the new Chair to continue pursuing the possibility of organizing a visit to Libya, given the appropriate time and conditions.

**Threats to international peace and security caused by terrorist acts**

On 12 December, the Security Council held a high-level briefing on threats to international peace and security caused by terrorist acts: international judicial cooperation in the fight against terrorism, chaired by the Minister for Justice of Spain. The Executive Director of the Counter-Terrorism Committee Executive Directorate, Jean-Paul Laborde, the Deputy Director of Public Prosecutions in Kenya, Dorcas Oduor, and the Executive Secretary of the International Institute for Justice and the Rule of Law, Robert Strang, participated as briefers.

At the beginning of the meeting, the Security Council unanimously adopted resolution 2322 (2016) on threats to international peace and security caused by terrorist acts, which was co-sponsored by 51 Member States.

The Executive Director of the Counter-Terrorism Committee Executive Directorate underlined that the first task for the international community was not to tolerate impunity in any way and bring terrorists to justice whenever possible. Within that framework, he welcomed the adoption of resolution 2322 (2016) and made clear that the policies of the international community needed to go beyond traditional security measures and employ a broader perspective based on enhanced international cooperation. Cooperation and mutual legal assistance would, in his view, further strengthen the capacity of central authorities to support prosecutors and investigators. He also referred to Kenya as an example of collaborative

solutions, and to the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism as a model of good practice.

The Deputy Director of Public Prosecutions in Kenya reiterated that crime was no longer a national phenomenon, for it had taken on a transnational dimension, and in that context the weak capacity of any one country to effectively address the emerging new threats translated into an overall weakness in the entire international regime of criminal justice cooperation. Moreover, she expressed the view that practitioners of criminal justice could not realistically work within national borders. She elaborated on the Council of Kenya's efforts to promote international judicial cooperation against terrorism and outlined a number of lessons learned: that a coordinated international response and close regional cooperation were vital; that terrorist groups moved rapidly across national lines and normally found sanctuaries in countries with the weakest links to other countries; that terrorists and other criminals had shown the ability to adapt to the efforts of law enforcement to apprehend them; and that ordinary citizens in many societies were demanding much better service from law enforcement agencies. In order to achieve greater international cooperation against terrorism, she concluded that the international community needed to further encourage the convergence and compatibility of national legislations, introduce complex procedural reforms and develop a much greater capacity for investigation and prosecution.

The Executive Secretary of the International Institute for Justice and the Rule of Law said that terrorism cases were almost inevitably transnational in nature, and therefore efforts to bring those responsible to justice within a civilian rule of law system required the sharing of evidence across jurisdictions. He focused his statement on the role of central authorities established by Member States, elaborating on the requirements and qualities they needed to effectively carry out their duties. He also expressed the view that such central authorities should be able to facilitate the judicial aspects of extradition requests; otherwise, efforts at effective cooperation would be soon frustrated. In conclusion, he pointed out that effective international cooperation in terrorism and in other criminal matters did not threaten national sovereignty, but ensured that it continued to work.

Security Council members stressed that terrorism was one of the greatest threats to international peace and security, and therefore combating it should be one of the priorities of the international community. In that regard, they considered international judicial cooperation to be an essential instrument. Many speakers underscored the need to designate and appoint central authorities to deal with requests for judicial cooperation. Some delegations also warned that terrorists had stepped up the use of technology, which entailed an increasing challenge, and therefore encouraged the international community to strengthen cooperation through the use of information technology. A number of participants considered the new resolution's focus on mutual legal assistance to be critical. Another view was that cooperation with INTERPOL should be increased, and particular attention should be paid to its I-24/7 secure global police communications system. Certain Council members also highlighted the important role that must be played by United Nations specialized agencies, such as the Counter-Terrorism Committee Executive Directorate, the Counter-Terrorism Implementation Task Force and UNODC.

Both the open briefing and the resolution addressed the foreseeable risk of the return of foreign terrorist fighters, magnified by the difficulties in prosecuting them owing to the transnational nature of their crimes. They also addressed the importance of updating international judicial cooperation to match the development of new information and communications technologies. With both actions, the Security Council also underlined the importance of relying on the rule of law and

the judicial systems as a powerful and necessary tool for cooperation among the States in order to tackle international threats to peace and security.

**Trafficking of persons in conflict situations**

On 20 December, the Security Council held an open debate entitled "Maintenance of international peace and security: trafficking in persons in conflict situations". The meeting was chaired by the Prime Minister of Spain, Mariano Rajoy. The Secretary-General, the Executive Director of UNODC, the Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, a civilian activist for the rights of Yazidi women, Ameena Saeed Hasan, and the Goodwill Ambassador for the Dignity of Survivors of Human Trafficking and recent Václav Havel Prize and Sakharov Prize winner, Nadia Murad Basee Taha, briefed the Council.

The Secretary-General referred to trafficking as a global problem, but highlighted that the most vulnerable people were those caught in conflict: women, children, internally displaced persons and refugees. Since the majority of victims were women and girls, he called for the payment of particular attention to their rights and the adoption of gender-sensitive migration policies. He underscored that ISIL, Boko Haram, Al-Shabaab and others were using trafficking and sexual violence as weapons of terror and as an important source of revenue. The United Nations Convention against Transnational Organized Crime was, in his view, a vital tool to ensure accountability, and he therefore called on all States to join it, and to adopt dedicated anti-trafficking laws and create specialized prosecutors' offices to address that threat. He also encouraged Member States to contribute to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

The Executive Director of UNODC said that building effective action to tackle human trafficking required a strong framework of international cooperation and shared responsibility. In that regard, he highlighted that the Convention against Transnational Organized Crime and its Protocol could serve as a platform for a vast collective response to many of the challenges raised during the open debate. Moreover, he stressed the urgent need for countries to improve identification and referral processes tailored to the challenges of conflict zones and mass movements, and recalled that UNODC was helping Member States to enhance the identification and protection of trafficking victims among refugees and displaced persons fleeing conflict in the Middle East and Africa.

The Special Representative of the Secretary-General on Sexual Violence in Conflict emphasized the treatment of the issue as a peace and security imperative, including with regard to new and previously unforeseen threats, such as the use of sexual violence as a tactic of terrorism by groups that trafficked their victims internally and across borders in the pursuit of profit. She recalled that her Office had begun to monitor in its reports the trend of groups using sexual violence to advance their military, political, economic and ideological aims, and she named some of the perpetrators operating with absolute impunity. She identified six key indicators under which sexual violence was used as a tactic of terrorism: its commission in a systematic manner integral to the operation; its deliberate use to spread terror; its use to finance and sustain the activities of terrorist groups; its use to target political, ethnic or religious groups; its use to advance a strategy to radicalize, recruit, retain or reward fighters; and its commission pursuant to an ideology of controlling women to produce a generation that could be raised in the image of the organization. She concluded by referring to resolution 2331 (2016) as an important normative development.

A civilian activist for the rights of Yazidi women, Ameena Saeed Hasan, recalled the abduction of more than 6,500 Yazidi women and children in August 2014 by Da'esh. She emphasized that Islam also contained moderate ideas and principles, but expressed regret that some Muslim politicians and religious leaders had remained silent in the face of the activities of the terrorist organization. Furthermore, she underscored that the international community must eradicate terrorism and eliminate its sources of financing, and called for greater accountability.

The Goodwill Ambassador for the Dignity of Survivors of Human Trafficking and recent Vaclav Havel Prize and Sakharov Prize winner, Nadia Murad Basee Taha, said that since she had testified to the Security Council against the crimes of ISIL in December 2015, the terrorist group's genocidal campaign against Yazidis had continued. Her proposals included ensuring that human traffickers faced punishment for their crimes and contributing to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.

Security Council members then proceeded to vote on the draft resolution before them, unanimously adopting resolution 2331 (2016) on trafficking of persons in conflict situations, which was co-sponsored by 60 Member States.

The open debate had 73 speakers, including representatives of 64 Member States. Most welcomed the adoption of the resolution and underscored the need to strengthen relationships among the various agencies concerned in the fight against trafficking of persons in conflict situations, including UNODC, the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees. Some mentioned that the General Assembly should be the primary body of the United Nations when dealing with the issue. Many delegations recognized the vulnerability of refugees, migrants and internally displaced persons. There were also mentions of the linkage between trafficking of persons and other transnational organized criminal activities, such as money laundering, drug trafficking and terrorism. The need to tackle the issue in an integrated and comprehensive manner was also emphasized. The need to ensure proper accountability for those responsible for those crimes was frequently emphasized.

**Tribute to Secretary-General Ban Ki-moon**

On 14 December, the Security Council unanimously adopted resolution 2324 (2016) as a tribute to outgoing Secretary-General Ban Ki-moon.

**Turkey terrorist attacks**

On 11 December, the Security Council issued a press statement condemning in the strongest terms the heinous and cowardly terrorist attack that took place in the city of Istanbul, Turkey, on 10 December, during which at least 39 people were killed and 155 were injured.